IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
First Bail Application No. 604/2006

Rachit Malhotra S/o Shyam Mohan Malhotra,
R/o 77-B, Gandhi Nagar,
Moradabad, U.P. ……. Applicant.

Versus
Central Bureau of Investigation … Respondent.

Arising out of case FIR No. RC0072005A0001(CBI case No. 2/2006)
U/Ss 120-B, 420, 467, 468 and 471 I.P.C.
P.S. CBI, SPE, Dehradun.
District Dehradun

Hon'ble B.C.Kandpal, J.

The applicant has applied for bail in case FIR No. RC0072005A0001 (CBI Case No. 2/2006) U/Ss 120-B, 420, 467, 468, 471 I.P.C., PS C.B.I. SPE, Dehradun, District Dehradun.

Heared Sri S.K. Aggarwal, learned Senior Advocate assisted by Sri G.K.Verma, learned counsel for the applicant, learned A.G.A. and perused the record.

The record reveals that the applicant Rachit Malhotra opened an account in Union of India, Rudrapur Branch as proprietor of M/S I.I.I. A request letter was submitted to the then Branch Manager, Union of Bank of India, Rudrapur Branch by the applicant for cash credit limit amounting to Rs. 20 Lakhs. Sri Shyam Moham Malhotra and Sri Kapil Kohli, proprietor of M/S KOIPL were the guarantors and the property in the name of Sri Kapil Kohli was shown as a collateral security in the above account. The cash credit reports submitted along with the application were considered and the cash credit limit of Rs. 20 lakhs was sanctioned by the then Branch Manager and the C.D. account in the name of M/S I.I.I. was converted into the cash credit account. The then Branch Manager, U.B.I. Rudrapur sent the letter to the Chief Manager, U.B.I. Main Branch, Dehradun confirming the availability of sufficient funds in the account of M/S I.I.I. and on the basis of the

report submitted by the then Branch Manager, U.B.I., Rudrapur the payment of Rs. 35,80,767/- was debited from the account of M/S I.I.I. and thus raised the total debit balance to Rs. 63,05,307/-

Therefore, it is clear at this stage that the then Branch Manager, U.B.I. Rudrapur Banch in connivance with the applicant, who is the proprietor of M/S I.I.I., and the another co-accused Kapil Kohli, Director of M/S Kohli Oxide Industries Pvt. Ltd., have cheated the U.B.I., to the tune of Rs. 63,05,307/-.

I, therefore do not find any force in this bail application and the same is hereby rejected.

(B.C. Kandpal, J.)

Dated: 04-08-2006
ISB